

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Robynne Ariel Fauley,
Interested Party

Appeal No.

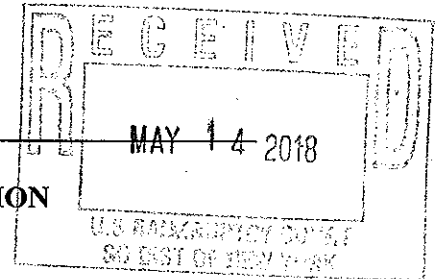
v.

RESCAP LIQUIDATING TRUST, a Delaware statutory trust
Successor in Interest to the Administratively Consolidated Debtors
and
LNV Corporation ("LNV"), a Nevada corporation, and various subsidiaries and affiliates, and
other Beal corporate entities such as Beal Bank SSB, Beal Bank USA, MGC, LPP Mortgage
Ltd., CLMG, fully controlled by Daniel Andrew Beal,
Successor in Interest to Residential Funding Company, LLC

In re the Bankruptcy of
RESIDENTIAL CAPITAL, LLC,
(Administratively Consolidated¹)
Debtor

Case No. 12-12020

**NOTICE OF APPEAL AND STATEMENT OF ELECTION
OF ROBYNNE ARIEL FAULEY**



¹The administratively consolidated Debtors were: Ditech, LLC; DOA Holding Properties, LLC; DOA Holdings Note Co, LLC; DOA Properties IX (Lots-Other), LLC; EPRE LLC; Equity Investment I, LLC; ETS of Virginia, Inc.; ETS of Washington, Inc.; Executive Trustee Services, LLC; GMAC Model Home Finance I, LLC; GMAC Mortgage USA Corporation; GMAC Mortgage, LLC; GMAC Residential Holding Company, LLC; GMACM Borrower LLC; GMACR Mortgage Products, LLC; GMAC-RFC Holding Company, LLC; GMACRH Settlement Services, LLC; HFN REO SUB II, LLC; Home Connects Lending Services, LLC; Homecomings Financial, LLC; Homecomings Financial Real Estate Holdings, LLC; Ladue Associates, Inc.; Passive Asset Transactions, LLC; PATI A, LLC; PATI B, LLC; PATI Real Estate Holdings, LLC; RAHI A, LLC; RAHI B, LLC; RAHI Real Estate Holdings, LLC; RCSFJV2004, LLC; Residential Accredit Loans, Inc.; Residential Asset Mortgage Products, Inc.; Residential Asset Securities Corporation; Residential Capital, LLC; Residential Consumer Services of Alabama, LLC; Residential Consumer Services of Ohio, LLC; Residential Consumer Services of Texas, LLC; Residential Consumer Services, LLC; Residential Funding Company, LLC; Residential Funding Mortgage Exchange, LLC; Residential Funding Mortgage Securities I, Inc.; Residential Funding Mortgage Securities II, Inc.; Residential Funding Real Estate Holdings, LLC; Residential Mortgage Real Estate Holdings, LLC; RFC Asset Holdings II, LLC; RFC Asset Management, LLC; RFC Borrower LLC; RFC Construction Funding, LLC; RFC SFJV-2002, LLC; and RFC-GSAP Servicer Advance, LLC

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

Robynne Ariel Fauley

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
 - ☐ Defendant
 - ☐ Other (describe)
-

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
- ☐ Creditor
- ☐ Trustee
- ☒ Other (describe) Interested Party holding claims against certain RESCAP Debtors believed to be actionable against Debtors' successors in interest, including, but not limited to, the RESCAP Liquidating Trust, a Delaware statutory trust; and LNV Corporation, a Nevada corporation, and various subsidiaries and affiliates, and other Beal corporate entities such as Beal Bank SSB, Beal Bank USA, MGC, LPP Mortgage Ltd., CLMG, fully controlled by Daniel Andrew Beal (investigation continues)

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:

Attached Exhibit A: April 24, 2018 Interlocutory Order denying relief to Appellant

Attached Exhibit B: May 2, 2018 Order Directing Clerk to Reject any further Filings by Appellant

No hearing was held. There is no Transcript to be ordered.

2. State the date on which the judgment, order, or decree was entered:
May 2, 2018

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Post-effective date RESCAP Debtors Homecomings Financial, LLC (Homecomings); GMAC Mortgage, LLC (GMACM); Residential Funding Company, LLC (RFC); and other RESCAP subsidiaries and affiliates yet to be determined, purportedly proceeding as the RESCAP Liquidating Trust, a Delaware statutory trust, represented by counsel for the RESCAP Debtors listed below:

Attorney Norman S. Rosenbaum
MORRISON & FOERSTER
250 West 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Email: nrosenbaum@mofo.com

2. LNV Corporation, successor in interest to Residential Funding Company, LLC (RFC)

Attorney Casey B. Howard
Locke Lord LLP
Brookfield Place
200 Vesey Street, 20th Floor
New York, New York 10281
Telephone: (212) 415-8600
choward@lockelord.com

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

NOT APPLICABLE IN THIS DISTRICT

Part 5: Sign below

Date: 5/10/18



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EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Residential Capital, LLC, *et al.*,

Debtors.

Chapter 11

Case No. 12-12020 (MG)
(Jointly Administered)

**ORDER DENYING NOTICE OF CONFLICTS OF INTEREST, FRAUD
AND FRAUD UPON THE COURT**

Upon consideration of the *Notice of Conflicts of Interest, Fraud Upon the Court by Debtors in Conspiracy with Creditor LNV Corporation, Rescap Liquidating Trust and Special Insurance Coverage Counsel for the Debtors Perkins Coie LLP* (the “Notice,” ECF Doc. # 10469) filed by Catherine Gebhardt, Tuli Molina-Wohl, Robynne A. Fauley, and Denise Subramaniam; and upon *The ResCap Liquidating Trust's Objection* to the Notice (the “Objection,” ECF Doc. # 10482); and upon *LNV Corporation's Joinder* to the Objection (ECF Doc. # 10485); and upon the *Response of Catherine Gebhart* (ECF Doc. # 10503), the *Sworn Declaration of Tuli Molina-Whohl* (ECF Doc. # 10504), the *Sworn Declaration of Denise Subramaniam* (ECF Doc. # 10505), and the *Response of Robynne A. Fauley* (ECF Doc. # 10506); since no motion or request for relief available under the Bankruptcy Code has been requested, no relief is being provided.

IT IS SO ORDERED.

Dated: April 24, 2018

Martin Glenn

MARTIN GLENN
United States Bankruptcy Judge



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EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Residential Capital, LLC, *et al.*,

Debtors.

Chapter 11

Case No. 12-12020 (MG)
(Jointly Administered)

ORDER DENYING ROBYNNE A. FAULEY'S REQUEST FOR RELIEF

On January 22, 2018, Robynne A. Fauley ("Fauley") and others filed a pleading in this Court captioned "*Notice of Conflicts of Interest, Fraud Upon the Court by Debtors in Conspiracy with Creditor LNV Corporation, Rescap Liquidating Trust and Special Insurance Coverage Counsel for the Debtors Perkins Coie LLP*" (ECF Doc. # 10469). On April 24, 2018, the Court entered an Order stating that "since no motion or request for relief available under the Bankruptcy Code has been requested, no relief is being provided." (ECF Doc. # 10516.)

On April 27, 2018, Fauley filed another pleading in this Court, captioned "*Motion – Response to Continue and Stay*, (ECF Doc. # 10521.) Both pleadings appear to relate to an action previously pending, but now closed, in the United States District Court for the District of Oregon, entitled *Robynne A. Fauley v. Washington Mutual Bank, FA; Residential Funding Company, LLC; Deutsche Bank Trust Company Americas s Trustee LNV Corp.; and Does 1-20*, 13-cv-00581-MO, in the records and files of the Oregon District Court. Residential Funding Company, LLC was a debtor in this Court. The Court records in the Oregon District Court case show that the case was terminated on November 4, 2014.

The Court has carefully reviewed Fauley's latest pleading filed in this Court and concludes that Fauley is *not* entitled to any relief from this Court. Therefore, Fauley's



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application is **DENIED**. The Clerk is directed not to accept for filing in this case any further pleadings from Fauley.

IT IS SO ORDERED.

Dated: May 2, 2018

Martin Glenn

MARTIN GLENN
United States Bankruptcy Judge